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JAN 27 2005

PTO/SB/30 (10-01)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

<i>Application Number</i>	09/073,494
<i>Filing Date</i>	May 6, 1998
<i>First Named Inventor</i>	Pan et al.
<i>Art Unit</i>	2811
<i>Examiner Name</i>	H. Vu
<i>Attorney Docket Number</i>	2915.1US (96-0149.01/US)

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 C.F.R. 1.114

a. Previously submitted

- i. Consider the amendment(s)/reply under 37 C.F.R. 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. Other _____

b. Enclosed

- i. Amendment/Reply
- ii. Affidavit(s)/Declaration(s)
- iii. Information Disclosure Statement (IDS)
- iv. Other _____

2. Miscellaneous

a. Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)

b. Other _____

3. Fees The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge any deficiency in the following fees, or credit any overpayments, to Deposit Account No. 20-1469

- i. RCE fee required under 37 C.F.R. 1.17(e)
- ii. Extension of time fee (37 C.F.R. 1.136 and 1.17)
- iii. Other _____

b. Check in the amount of \$790.00 enclosed

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Joseph A. Walkowski	Registration No. (Attorney/Agent)	28,765
Signature		Date	January 27, 2005

CERTIFICATE OF MAILING

Express Mail Label Number: EL994825009US

Date of Deposit: January 27, 2005

Person Making Deposit: Steven P. Wong

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

02/03/2005 EABUBAK1 00000120 09073494

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Pan et al.

Serial No.: 09/073,494

Filed: May 6, 1998

For: OPERABLE GATE STACK WHICH
IS SUBSTANTIALLY DEVOID OF
PITTING AND SEMICONDUCTOR
DEVICE COMPRISING SAME

Confirmation No.: 9834

Examiner: H. Vu

Group Art Unit: 2811

Attorney Docket No.: 2269-2915.1US
96-0149.01/US

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EL994825009US

Date of Deposit with USPS: January 27, 2005

Person making Deposit: Steven P. Wong

**AMENDMENT ACCOMPANYING REQUEST FOR
CONTINUED EXAMINATION (RCE)**

Mail Stop RCE
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This amendment is submitted simultaneously with a REQUEST FOR CONTINUED EXAMINATION. Prior to examination of the above-referenced patent application on the merits, entry of the amendments as set forth herein is respectfully solicited.

The following amendments and remarks are filed in response to the Examiner's remarks in the Final Office Action mailed December 3, 2004, the three-month shortened statutory period

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for response to which expires on March 3, 2004. This response is submitted on or before two months from the mailing date of the Final Office Action.

Amendments to the Claims are reflected in the listing of claims which begins on page 3 of this paper.

Remarks/Arguments begin on page 7 of this paper.